

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JESUS MANUEL QUINTERO

Plaintiff

v.

CITY OF READING POLICE

DEPARTMENT, *et al.*,

Defendants

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CIVIL ACTION

NO. 24-CV-3025

O R D E R

AND NOW, this 2nd day of August, 2024, upon consideration of Jesus Manuel Quintero's *Motion to Proceed In Forma Pauperis* (ECF No. 1), Prisoner Trust Fund Account Statement (ECF No. 3), and *pro se* Complaint (ECF No. 2), it is hereby **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Jesus Manuel Quintero, # 2012-0798, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of Berks County Jail or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Quintero's inmate account; or (b) the average monthly balance in Quintero's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Quintero's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Quintero's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.
3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the

Warden of Berks County Jail.

4. The Complaint is **DEEMED** filed.

5. The following claims are **DISMISSED, with prejudice**, for the reasons set forth in the accompanying Memorandum:

a. Claims for injunctive relief in the form of dismissal of Quintero's criminal charges in state court;¹ and

b. Claims for damages against the Berks County District Attorney's Office and Assistant District Attorney Jim Glissaw.

6. The Clerk of Court is **DIRECTED** to **TERMINATE** the following Defendants from this case: the City of Reading Police Department, "District Attorney Office, Berks County District Attorney Office," and Jim Glissaw.

7. Any further proceedings on Quintero's remaining claims, *i.e.*, his Fourth Amendment damages claims for false arrest, false imprisonment and malicious prosecution against Officers Fisher, Seiler, Gresh, Blauser, and Heck, are **STAYED** until Quintero informs this Court that his related criminal proceeding, *Commonwealth v. Quintero*, CP-06-CR-0001263-2024 (Berks C.P.), has been resolved in accordance with paragraph (8) eight of this Order.

8. If he seeks to pursue his remaining claims, Quintero must notify this Court **within thirty (30) days of the resolution of his related criminal case**, *Commonwealth v. Quintero*, CP-06-CR-0001263-2024 (Berks C.P.), that (a) the proceeding has been resolved; (b) how the proceeding resolved; and (c) whether he still intends to pursue the claims in the instant case. Failure to comply with this Order may result in dismissal of this case.

¹ Nothing in this Order prevents Quintero from seeking dismissal of his claims in state court or, if appropriate, filing a petition for a writ of *habeas corpus* pursuant to 28 U.S.C. § 2241.

9. The Clerk of Court is **DIRECTED** not to issue summonses at this time.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court